

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GAREY E. SEGER, et al.,)	
)	
Plaintiffs,)	
)	8:08CV75
v.)	
)	ORDER
TANK CONNECTION, LLC, et al.,)	
)	
Defendants.)	

Upon notice of settlement given to the magistrate judge on August 27, 2010, by Patrick E. Brookhouser, Jr. on behalf of the plaintiffs, and Daniel D. Owen on behalf of the defendants Burns & McDonnell Engineering Company, Inc., Kirk Welding Supply, Inc., and Tank Connection, LLC,

IT IS ORDERED that:

1. **On or before September 27, 2010**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) and shall submit to Chief Judge Joseph F. Bataillon, at bataillon@ned.uscourts.gov, a draft order which will fully dispose of the case as to these three defendants: Burns & McDonnell Engineering Company, Inc., Kirk Welding Supply, Inc., and Tank Connection, LLC. The stipulation shall comply with Fed. R. Civ. P. 41(a) and shall state whether the dismissal is with or without prejudice.
2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice as to the relevant parties.
3. The settling defendants need not participate in the pretrial conference, trial, or trial related deadlines previously scheduled, upon the representation of settlement.
4. Absent reassertion by an interested party, the following motions are terminated upon the representation that this case is settled as to the mentioned defendants: Tank Connection, LLC's motions in limine (Filing Nos. 447 and 451), motion for summary judgment (Filing No. 467); Kirk Welding Supply, Inc.'s motion for summary judgment (Filing No. 421), motions in limine (Filing Nos. 455 and 510), and motion to strike (Filing No. 538); and Burns & McDonnell Engineering Company, Inc.'s motion to join the

motion to strike (Filing No. 546), motions for summary judgment (Filing Nos. 409 and 458), and motions in limine (Filing Nos. 412, 415, and 418).

DATED this 30th day of August, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge